

## LOCAL RULES OF THE LAWRENCE COUNTY COURTS

### RULE 1

#### APPEARANCES AND WITHDRAWAL

- A. Civil and Criminal. Attorneys must enter appearances in writing. All pleadings filed shall show the name and address of the individual attorney or attorneys filing the same. Any pleading not signed by at least one attorney appearing of record as required by TR-11, shall not be accepted for filing by the Clerk of the court or if inadvertently accepted for filing shall, upon discovery of such omission, be stricken from the record. A rubber stamp or facsimile signature on the original copy of such pleading shall not be acceptable. An appearance by one member of a firm shall be deemed as the appearance of each member of that firm.
- B. Small Claims. Attorneys must enter appearances in writing as above. Said appearances are deemed general denials and also will preserve all counterclaims of an offsetting nature up to the amount of the original prayer.
- C. Counsel desiring to withdraw their appearance in any action shall file a petition requesting leave to do so. Such petition shall fix a date for such withdrawal, and petitioning counsel shall file with the court satisfactory evidence of at least five (5) days written notice to his client in advance of such withdrawal date, or evidence of vigorous attempt to contact such client.
- D. In criminal cases, withdrawal of representation of a defendant may not be granted except upon hearing conducted in open court on record in the presence of the defendant. Withdrawal of appearance will be allowed without compliance with requirements of this rule if the reason for withdrawal is the inability to locate and communicate with the defendant because the defendant has left the jurisdiction. And in such event a warrant shall forthwith issue for the arrest of such defendant. Withdrawal of representation must comply with I.C. 35-36-8-2.
- E. A withdrawal of appearance when accompanied by the appearance of other counsel shall constitute a waiver of the requirements in paragraph (C) and (D) of this rule.
- F. A party proceeding pro-se shall be subject to the rules of procedure and organization unless, by its nature, a rule does not apply to such party. A party proceeding pro-se is acting as his own attorney and is subject to the rules accordingly. Such pro-se litigant has the responsibility to keep the court advised of his current home and work addresses and phone number.
- G. No person shall be permitted to practice before the court as an attorney, except in his own behalf when a party, unless he shall be a member in good standing of the bar of the Supreme Court of Indiana, excepting those cases specified in Small Claim Rule 8.

- H. Only members of the Bar, parties, and officers of the court will be admitted to seats within the railing of the courtrooms. In criminal cases, the State will be permitted to have one investigative officer seated at the counsel table.

RULE II  
MOTIONS, PLEADINGS, AND CONTINUANCES

- A. Small Claims. Parties may present special or other defenses by letter. An appearance is deemed a general denial and preserves all offsetting counterclaims up to the amount of the original prayer. All motions for continuance shall be filed no later than seven (7) days prior to the hearing date. If the party requesting the continuance is represented by counsel, said motion shall be in writing. No continuances will be granted within seven (7) days prior to the hearing date except for good cause shown or upon the agreement of the parties.
- B. Plenary and Criminal Dockets. All pre-trial motions and pleadings will be filed in writing and will comply with the appropriate Indiana Rules of Procedure.
- C. A motion for the continuance of a civil trial must be in writing and in accordance with Rule 53.5 of the Indiana Rules of Procedure.
- D. A motion for the continuance of a Criminal Trial must be in writing and in accordance with I.C. 35-36-7-1.
- E. Juries for criminal jury trials will be called approximately five days prior to scheduled trial dates unless a signed plea agreement is on file with the court and has been accepted or a motion for continuance has been filed and granted. Should a negotiated plea agreement be filed and accepted after the jury is called or motion for continuance be filed and granted after the jury is called, the defendant shall be assessed a jury fee of \$250.00 which shall be paid as costs.
- F. Any motion or pleading requiring oral argument or a ruling by the Judge shall be brought to the Judge's attention by the party filing same. Parties or their attorneys are not to assume a motion for continuance will be sustained until so informed by the Judge.
- G. Any motion seeking a continuance must list the reasons for requesting the same, a list of all prior continuances granted in the cause and the specific length of time the moving party desires the cause to be delayed.
- H. All pleadings must be served on the opposing party.
- I. In all cases where pleadings or other official papers are filed of record with the Clerk of the Court by mail, said Clerk shall not return filed copies of such pleadings or

official papers unless a stamped self-addressed envelope bearing sufficient postage is included with the filing.

- J. All papers presented to the Judge or Clerk for filing should be flat and unfolded.

### RULE III SUMMONS BY SHERIFF

Any document to be served by Sheriff from a Lawrence County Court shall be delivered to the Court bearing a face sheet specifying the following:

1. The name of the person to be served.
2. The address, as full as possible, i.e., if a county address, not only the rural route and box number, but specific driving directions.
3. Place of employment and work shift.
4. Phone and apartment number.
5. If not the address of the party being served, the name of the person with whom the party being served is residing.
6. Name and telephone number of attorney seeking service.
7. Any other information that would be helpful to person serving document.

### RULE IV PAYMENT OF FEES

- A. Upon the institution of any civil action or proceeding, there shall be paid to the Clerk of the Court by the party or parties instituting such action or proceeding the sum as may from time to time be required by I.C. 33-1-0-1.1 and I.C. 33-10.5-8-7 as a docket fee and advance costs.
- B. This rule shall not apply to civil actions or proceedings instituted by or on behalf of the State or any of its political subdivisions.
- C. Prepayment of such docket fees shall not be required for juvenile matters, divorce proceedings in which an affidavit for waiver of filing fees is approved by the court, adoption proceedings, proceedings for the appointment of guardians, or in probate of estates.
- D. Law firm checks will be accepted upon the Clerk's approval. Other personal or company checks will not be accepted unless arrangements are made in advance.

### RULE V PAYMENT OF FINES AND WITNESS FEES

- A. All fines and costs levied by the Court will be payable in cash or by money order. Law firm checks will be accepted upon the Clerk's approval. Other personal checks will not be accepted unless arrangements are made in advance.

- B. When a defendant is adjudged to owe any fine or costs and is determined not to be indigent, the Court shall order him to be committed to jail until the same are paid. Such judgment shall be without relief from valuation and appraisal laws.
- C. When any witness requests witness fees, that request shall be made in writing within 24 hours after said witness testified.

## RULE VI NOTICE TO ATTORNEYS

In all cases where it is necessary for the courts to give notice to attorneys of record in matters pending therein, concerning hearings, arguments, ruling, or any other matters, it shall be sufficient and binding notice if the following procedures are followed:

1. For attorneys maintaining an office within the territorial boundaries of Lawrence County, Indiana, it shall be sufficient notice of the above matters if a written copy of the notice of hearing, argument, ruling or other matter is deposited in a box bearing the attorney's name, located in the office of the Lawrence Circuit Court Reporter. The boxes bearing the Lawrence County attorney's name located in the office of the Court Reporter of Lawrence Circuit Court shall be used by the Superior Court and County Court also.
2. In cases where it is necessary to give notice to attorneys not maintaining an office within the territorial boundaries of Lawrence County, Indiana, it shall be sufficient and binding notice if a written copy of such notice is mailed by ordinary mail to said attorney, at the address contained in their appearance or other pleadings.
3. All other notices required by law or court rules, including the service of pleadings on opposing counsel, shall be served in accordance with Rules of the Supreme Court of the State of Indiana and applicable statutes.

## RULE VII ORDERS AND DECREES

When parties have reached an agreed settlement, especially in a dissolution of marriage action the written contract or agreement of settlement shall be incorporated and set forth in full in the body of the final decree. The use of attachments or exhibits to the final decree is not permitted.

## RULE VIII PRE-TRIAL CONFERENCE

When a civil matter is set for a pre-trial conference pursuant to IN TR 16 the parties shall be prepared at the time of such pre-trial conference to:

1. Describe anticipated exhibits and the order of anticipated introduction. If exhibits are available for labeling, they will be labeled at this time.
2. To list witnesses.
3. To have an issue instruction prepared if a jury trial has been requested.
4. To have any preliminary instruction that may be requested other than a pattern jury instruction.
5. Make any motions in limine.
6. Make any other appropriate motions such as motion to view motions to amend pleadings, etc.
7. To prepare stipulations as to admission of evidence or facts.
8. Estimate time needed to present that party's evidence.
9. Bring before the Court any other matters that would assist in preparing for trial.

## RULE IX CIVIL DISCOVERY

- A. Interrogatories and requests for admissions to be served upon another party shall not be filed with the court. The person serving interrogatories or requests for admissions shall notify the court in writing of the service of such and the date upon which answers are to be made. Interrogatories or requests for admissions along with the answers, and any objection thereto, shall be filed with the court by the person having the burden of answering or objecting within the time provided by TR 33(A), TR 36(A), or within such other times as the court may allow.
- B. Answers or objections to interrogatories or requests for admissions shall set forth in full the interrogatory being answered or objected to immediately preceding the answer or objection or the requests for admissions being denied, admitted or objected to immediately preceding the answer or objection.
- C. Each interrogatory or requests for admissions requiring an answer shall be numbered individually and consecutively by simple Arabic numerals; no question shall be phrased or numbered by the use of parenthesis or letter in such a way to make it a sub-question to another interrogatory.
- D. No mimeographed or otherwise duplicated forms containing interrogatories or requests for admissions shall be filed or served upon a party unless all interrogatories or requests for admissions on such forms are consecutively numbered and applicable to the case in which the same are filed and served. Intent and purpose of this rule is to prohibit the filing of mimeographed or otherwise duplicated forms of interrogatories or requests for admissions except where the nature of the case or the number of the parties makes the use of such forms necessary and feasible.
- E. The number of interrogatories or requests for admissions which may be served pursuant to TR 33 or TR 36 shall be limited so as to require the answering party to

make no more than twenty (20) answers. Waiver of this limitation by order of the court will be granted in cases in which such limitation would work a manifest injustice or would be impractical because of the complexity of the issues of the case.

- F. To curtail undue delay in the administration of justice, the Court shall refuse to rule on any and all motions for discovery concerned with the production of documents or things, permission to enter upon land or other property for inspection and other purposes, for physical or mental examinations, or to compel discovery, all as provided in Trial Rules 26 through 37 of the Indiana Rules of Procedure unless moving counsel shall first advise the court in writing that after personal consultation and sincere attempts to resolve differences, they are unable to reach an accord. The Court shall be advised in writing as to what specific efforts have been made. If counsel for any party advises the court in writing that opposing counsel has refused or delayed meeting to discuss the problems covered in this subsection, the court may take such action as is appropriate to avoid delay.
- G. Motions asking for an order directing a party to answer interrogatories shall be accompanied by a proposed order specifying the date and time set by the Clerk by which such interrogatories shall be answered in writing and delivered to the court either by certified mail or delivered in person to the court or at which time such party shall be present in Court for questioning.

## RULE X CRIMINAL DISCOVERY

### A. STATE DISCLOSURE:

The State shall disclose to the defense the following material and information within its possession or control within ten (10) days of being requested to do so.

1. The names and last known addresses of the persons whom the State may call as witnesses, together with their relevant written or recorded statements, memoranda containing substantially verbatim reports of their oral statements and a list of memoranda reporting or summarizing their oral statements.
2. Any written or recorded statements and the substance of any oral statements made by the accused or by a co-defendant, and a list of witnesses to the making and acknowledgement of such statements.
3. A transcript or those portions of grand jury minutes containing testimony of persons whom the prosecuting attorney may call as witnesses at the hearing or trial, as designated by the defense after listening to the recording of the testimony.

4. Any reports or statements of experts, made in connection with the particular case, including results of physical or mental examination and of scientific tests, experiments, or comparisons.
5. Any books, papers, documents, photographs or tangible objects which the prosecuting attorney intends to use in the hearing or trial or which were obtained from or belong to the accused.
6. Any record of prior criminal convictions which may be used for impeachment of the persons whom the State intends to call as witnesses at the hearing or trial.
7. Any evidence which tends to negate the guilt of the accused as to the offense charged or would tend to mitigate his punishment.

The State may perform these obligations in any manner mutually agreeable to itself and defense counsel or by notifying defense counsel that material and information, described in general terms, may be inspected, obtained, tested, copied, or photographed, at specified reasonable times and places.

#### B. DEFENDANT DISCLOSURE:

The Defense shall disclose to the State the following material and information within its possession or control within ten days of being asked to do so by the State, if the State's compliance with the discovery request as outlined above is accompanied by such a request.

1. The names and addresses of persons whom the defendant may call as witnesses along with expected topics of testimony to which each will testify and any record of prior criminal convictions.
2. Any books, papers, documents, photographs, or tangible objects, which are intended to be used at a hearing or trial.
3. Any medical or scientific reports relating to defendant or defendant's evidence which may be used at a hearing or trial.
4. Any defenses, procedural or substantive, the defendant intends to make at a hearing or trial.

#### C. LIMITATIONS:

1. Discretionary Protective Order:

The Court may deny disclosure if it finds that there is a substantial risk to any person of physical harm, intimidation, bribery, economic reprisals, or unnecessary

annoyance or embarrassment resulting from such disclosure which outweighs any usefulness of the disclosure to counsel.

2. Matters not Subject to Disclosure:

- 1) Work product. Disclosure is not required of legal research or of records, correspondence, reports of memoranda to the extent that they contain the opinions, theories or conclusions of the State or members of its legal or investigative staffs, or of defense counsel or his staff.
3. Parties shall not file discovery materials with the court but shall certify compliance with the discovery order.

RULE XI  
WITHDRAWAL OF ORIGINAL RECORDS AND PAPERS

- A. No person shall withdraw any original pleading, paper, record, model or exhibit from the custody of the Clerk or other officer of the court having custody thereof except (1) upon order of the judge of the court and (2) upon leaving a proper receipt with the clerk or officer.
- B. No person shall remove any books from the court, Judge's chambers, or the county law library.

RULE XII  
CUSTODY AND DISPOSITION OF MODELS AND EXHIBITS

- A. Custody. After being marked for identification, models, diagrams, exhibits and material offered or admitted in evidence in any cause pending or tried in this court shall be placed in the custody of the court reporter unless otherwise ordered by the court.
- B. Removal. All models, diagrams, exhibits, or material placed in the custody of the court reporter shall be taken away by the parties offering them in evidence, except as otherwise ordered by the court, within four (4) months after the case is decided unless an appeal is taken. In all cases in which an appeal is taken, they shall be taken away within thirty (30) days after the filing of the mandate of the reviewing court. At the time of removal, a receipt shall be given to the court reporter and filed in the cause.
- C. Neglect to Remove. If the parties or their attorneys shall neglect to remove models, diagrams, exhibits, or material within thirty (30) days after notice from the court reporter, the same shall be sold by the sheriff at public or private sale or otherwise



disposed of as the court may direct. If sold, the proceeds, less the expense of the sale shall be paid into the general fund of the county.

### **RULE XIII TAKING OF PHOTOGRAPHS, SOUND RECORDINGS, ETC.**

The taking of photographs, sound recording (except by the official court reporters in the performance of their duties), broadcasting by radio, television, or other means, in connection with any judicial proceedings on or from the same floor of the building on which a courtroom is located is prohibited provided, however, that incidental to an investitive or ceremonial proceeding a judge may, in his discretion, permit the taking of photographs, broadcasting, televising or recording.

Anyone wishing to listen to the tape of a hearing may purchase a copy of the tape for \$15.00. The check should be made payable to Lawrence County General Fund and delivered to the Court Reporter.

### **RULE XIV WEAPONS**

No weapons of any nature shall be brought into the courtroom except those carried by an officer of the court or duly authorized law enforcement officer.

### **RULE XV JURORS**

It shall be improper for any party or any attorney who has been involved in a trial by jury to approach, contact, or discuss in any manner, matters that were litigated with any member of the jury panel called to hear the case or to in any manner, inquire into the jury's decision making process during the term of service of the panel. This rule shall apply without regard to how or by whom any such communication may have been initiated.

### **RULE XVI COMPLIANCE EXCUSED ONLY UPON ORDER OF COURT**

The above rules shall be followed in all cases heard in Lawrence County unless compliance is excused by the presiding Judge for good cause shown.

If these rules are in conflict in any way with the Indiana Trial Rules or a statute, then the Indiana Trial Rule or statute will control and supercede the local rule.

It is hereby ordered that the above court rules relating to the practices and procedures in the courts of this county become effective this first day of January, 1990. The Clerk of the Lawrence Circuit Court is hereby ordered to note the adoption of these

rules in the Court's order book and send two (2) copies to the Clerk of the Indiana Supreme Court and Court of Appeals.

\_\_\_\_\_/s/\_\_\_\_\_  
Honorable Richard D. McIntyre, Sr.  
Judge, Lawrence Circuit Court

\_\_\_\_\_/s/\_\_\_\_\_  
Honorable Raymond L. Kern  
Judge, Lawrence Superior Court, I

\_\_\_\_\_/s/\_\_\_\_\_  
Honorable William G. Sleva  
Judge, Lawrence Superior Court, II